

DICKINSON WRIGHT PLLC

MICHAEL N. FEDER (Nevada Bar No. 7332)

Email: mfeder@dickinson-wright.com

3883 Howard Hughes Pkwy., Suite 800

Las Vegas, Nevada 89169

Tel: (702) 550-4400

Fax: (844) 670-6009

MINTZ & GOLD LLP

PETER GUIRGUIS (Admitted Pro Hac Vice)

Email: guirguis@mintzandgold.com

SCOTT KLEIN (Admitted Pro Hac Vice)

Email: klein@mintzandgold.com

600 Third Avenue

New York, NY 10016

Tel: (212) 696-4848

Fax: (212) 696-1231

*Attorneys for Plaintiff/Counterdefendant Venetian Casino Resort, LLC
and Counterdefendant Interface Group-Nevada, Inc.*

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

VENETIAN CASINO RESORT, LLC, a
Nevada limited liability company,

Plaintiff,

v.

ENWAVE LAS VEGAS LLC, a Delaware
limited liability company,

Defendant.

ENWAVE LAS VEGAS LLC, a Delaware
limited liability company,

Counterclaimant,

v.

VENETIAN CASINO RESORT, LLC, a
Nevada limited liability company, and
INTERFACE GROUP-NEVADA, INC., a
Nevada corporation,

Counterdefendants.

Case No. 2:19-cv-01197-JCM-DJA

**STIPULATION AND [PROPOSED]
ORDER FOR AN EXTENSION OF
TIME FOR ENWAVE TO SUPPLEMENT
RESPONSES TO DISCOVERY REQUESTS,
FOR VCR AND INTERFACE TO RESPOND
TO GCS'S AMENDED COUNTERCLAIM,
AND FOR VCR AND INTERFACE TO FILE
THEIR REPLY IN SUPPORT OF THEIR
MOTION TO STRIKE**

[SECOND REQUEST]

1 GRAND CANAL SHOPS II, LLC, a
2 Delaware limited liability company,

3 Counterclaimant,

4 v.

5 VENETIAN CASINO RESORT, LLC, a
6 Nevada limited liability company,

7 Counterdefendant.¹
8

9 Plaintiff/Counterdefendant VENETIAN CASINO RESORT, LLC, (“VCR”) and
10 Counterdefendant INTERFACE GROUP-NEVADA, INC. (“Interface,” collectively with VCR,
11 “Venetian Parties”), by and through their counsel of record the law firms of Dickinson Wright
12 PLLC and Mintz & Gold, LLP, Defendant/Counterclaimant ENWAVE LAS VEGAS LLC
13 (“Enwave”), by and through its counsel of record the law firms of Brownstein Hyatt Farber
14 Schreck, LLP and Baker Donelson Bearman Caldwell & Berkowitz, PC, and Intervenor GRAND
15 CANAL SHOPS II, LLC (“GCS”), by and through its counsel of record the law firms of King &
16 Spalding LLP and Santoro Whitmire, hereby stipulate and agree, subject to this Court’s approval,
17 pursuant to Local Rule 7-1 and Local Rule IA 6-1 to extend (a) the deadline for Enwave to
18 supplement its response to Venetian Parties’ discovery requests (deadline for initial responses
19 was March 22, 2021); (b) the deadline for the Venetian Parties to file a Reply in support of the
20 Motion to Strike GCS’s Counterclaim and to Revoke GCS’s Intervenor Status (“Motion to
21 Strike”) (current deadline is April 13, 2021); and (c) the deadline for the Venetian Parties to file
22 a response to GCS’s Amended Counterclaim (current deadline is April 13, 2021), as follows:

- 23 1. On January 11, 2021, GCS filed its Counterclaim against Enwave (ECF No. 68);
24 2. On January 26, 2021, the Court approved the Parties’ Stipulated Discovery Plan
25 and Scheduling Order, providing for Enwave to respond and produce documents in response to
26

27 ¹ GCS’s counterclaim filing – to which this motion is addressed – has a plainly incorrect caption.
28 (Dkt. 68.) It incorrectly (and tellingly) states that VCR is the counterdefendant even though
GCS’s sole claim is against Enwave. (*Id.*) GCS never listed Enwave listed as a
counterdefendant. (*Id.*)

1 the Venetian Parties' discovery requests by February 19, 2021 (ECF No. 72);

2 3. On February 1, 2021, the Parties filed a Stipulation and Proposed order for
3 Extension of time for Enwave to respond to GCS's Counterclaim (ECF No. 74) ("First
4 Stipulation");

5 4. On February 1, 2021, the Venetian Parties filed a Motion to Strike GCS's
6 Counterclaim and to Revoke GCS's Intervenor Status (ECF No. 75);

7 5. The Court approved the First Stipulation, providing Enwave until February 11,
8 2021, to respond to GCS's Counterclaim (ECF No. 76);

9 6. On February 10, 2021, GCS filed its Amended Counterclaim (ECF No. 77);

10 7. On February 16, 2021, GCS filed its Response to the Venetian Parties' Motion to
11 Strike (ECF No. 78);

12 8. Enwave then requested additional time to respond and produce documents in
13 response to the Venetian Parties' Rule 34 discovery requests and the Venetian Parties, as a
14 professional courtesy, agreed to the same, contingent upon GCS agreeing to an extension of the
15 deadline for the Venetian Parties to file the Reply in support of the Motion to Strike and the
16 deadline to file any new motion to strike with respect to GCS's Amended Counterclaim, to
17 which GCS agreed;

18 9. On February 23, 2021, the parties filed a stipulation and proposed order to extend
19 (a) the deadline for Enwave to respond and produce documents in response to the Venetian
20 Parties' Rule 34 discovery requests, and to respond to GCS's Amended Counterclaim, to March
21 22, 2021; (b) the deadline for the Venetian Parties to file a response to GCS's Amended
22 Counterclaim to April 13, 2021; and (c) the deadline for the Venetian Parties to file a Reply in
23 support of the Motion to Strike GCS's Counterclaim to April 13, 2021. (ECF No. 79);

24 10. On February 25, 2021, the Honorable Magistrate Judge Brenda Weksler approved
25 the parties' February 23, 2021 stipulation (the "Stipulated Order"). (ECF No. 80.) To give the
26 Venetian Parties the opportunity to review Enwave's document production prior to further
27 briefing, the Stipulated Order provided for (a) Enwave to respond and produce documents in
28 response to the Venetian Parties' Rule 34 discovery requests, and to respond to GCS's Amended

1 Counterclaim, by March 22, 2021; (b) for the Venetian Parties to file any motion to strike GCS's
2 Amended Counterclaim by April 13, 2021; and (c) for the Venetian Parties to file a Reply Brief
3 in support of its Motion to Strike by April 13, 2021;

4 11. On March 22, 2021, Enwave filed its Answer to GCS's Amended Counterclaim;

5 12. On March 22, 2021, Enwave also served responses and made a document
6 production in response to the Venetian Parties' discovery requests;

7 13. On March 23, 2021, a dispute arose regarding the sufficiency of the production,
8 which the parties believe can be resolved with additional time for Enwave to serve a
9 supplemental production rather than involving the Court at this juncture;

10 14. Given the foregoing, and to give the Venetian Parties the opportunity to review
11 Enwave's document production prior to further briefing, all parties have agreed to an extension
12 of the deadline for Enwave to supplement its response to the Venetian Parties' Rule 34 discovery
13 requests to April 27, 2021. The parties have also agreed to extend the Venetian Parties' deadline
14 to file any motion to strike GCS's Amended Counterclaim and extending the Venetian Parties'
15 deadline to file a Reply Brief in support of its Motion to Strike to May 18, 2021;

16 15. Accordingly, all parties hereby stipulate, subject to the Court's approval, that: 1)
17 Enwave shall supplement its response to the Venetian Parties' discovery requests by April 27,
18 2021; 2) the Venetian Parties shall file any motion to strike GCS's Amended Counterclaim by
19 May 18, 2021; and 3) the Venetian Parties shall file any reply brief in support of their Motion to
20 Strike GCS's Counterclaim and revoke GCS's status as an intervenor by May 18, 2021. This is
21 the second request to extend the foregoing deadlines, and all parties submit that good cause
22 exists for these extensions and that they are not intended for purposes of delay.

23 //

24 //

25 //

26 //

27 //

28 //

1 DATED this 13th day of April, 2021.

2 DICKINSON WRIGHT PLLC

3 /s Michael N. Feder

4 MICHAEL N. FEDER, ESQ. (NBN 7332)
3883 Howard Hughes Parkway, Suite 800
5 Las Vegas, Nevada 89169

6 PETER GUIRGUIS, ESQ. (Pro Hac Vice)
7 SCOTT KLEIN, ESQ. (Pro Hac Vice)
8 MINTZ & GOLD, LLP
600 Third Avenue
New York, NY 10016

9 *Attorneys for Plaintiff-Counterdefendant*
10 *Venetian Casino Resort, LLC and*
Counterdefendant Interface Group-Nevada, Inc.

DATED this 13th day of April, 2021.

BROWNSTEIN HYATT FARBER
SCHRECK, LLP

/s Matthew A. Woolf

ADAM K. BULT, ESQ. (NBN 9332)
EMILY A. ELLIS, ESQ. (NBN 11956)
100 North City Parkway, Suite 1600
Las Vegas, NV 89106-4614

MATTHEW A. WOOLF, ESQ. (Pro Hac
Vice)
BAKER DONELSON BEARMAN
CALDWELL & BERKOWITZ PC
201 St. Charles Avenue, Suite 3600
New Orleans, LA 70170

Attorneys for Defendant-Counterclaimant
Enwave Las Vegas LLC

11 DATED this 13th day of April, 2021.

12 SANTORO WHITMIRE

13 /s Lawrence Slovensky

14 JAMES E. WHITMIRE, ESQ. (NBN 6533)
10100 W. Charleston Blvd., Suite 250
Las Vegas, Nevada 89135

15 LAWRENCE SLOVENSKY, ESQ. (Pro Hac
16 Vice)
17 KING & SPALDING LLP
1180 Peachtree St. NE
Atlanta, GA, 30309

18 *Attorneys for Intervenor-*
19 *Defendant/Counterclaimant Grand Canal Shops*
20 *II, LLC*

21 **ORDER**

22 IT IS SO ORDERED: May 7, 2021.

23 

24 Honorable Magistrate Judge Brenda Weksler
25 **United States Magistrate Judge**

26 4843-9654-6789 v1 [65373-5]